

Ruppert



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Boniface Tool & Die, Inc.

File: B-226550

Date: July 15, 1987

DIGEST

Where record does not establish that a hand-carried bid was received in the office designated in the invitation for bids before the time set for opening, the bid properly was rejected as late.

DECISION

Boniface Tool & Die, Inc. protests the determination of the Defense Industrial Supply Center (DISC) Defense Logistics Agency, that Boniface's bid in response to invitation for bids (IFB) No. DLA500-87-B-0387 could not be considered because it was late.

We deny the protest.

The IFB called for 105 gun mount brackets, with bids due by 10 a.m. on January 29, 1987. The place of receipt for hand-carried bids was specified as the box located in the DISC Building 36 bid opening room. Boniface contends that its representative, Michael Freedman, placed the bid in the bid box at approximately 10:15 a.m. on January 28, the day before bid opening.

The agency states that at the time of bid opening, five bids had been received, not including a bid from Boniface. Boniface's bid was removed from the bid box at 10 a.m. on January 30, and the envelope containing the bid was stamped, annotated and initialed to show the date and time of removal. The agency also has furnished affidavits of two DISC employees involved in the matter, which indicate that a DISC employee removed Boniface's bid from the bid box at 10 a.m. on January 30, and stamped the envelope. The affidavits further assert that the bid box was opened at 8 a.m. and 10 a.m. on January 28, 29, and 30 and that Boniface's bid was not noted as being in the box at any opening before the last one, 10 a.m. on the day after bid opening.

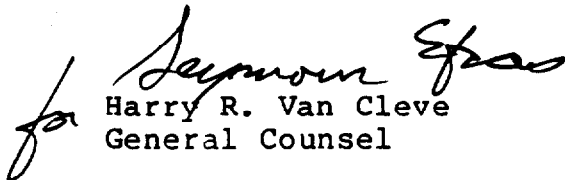
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As a general rule, a bidder is responsible for delivering its bid to the proper place at the proper time. Late delivery of a bid requires its rejection, even if it is the lowest bid, in order to maintain confidence in the integrity of the government procurement system. Hi-Grade Logging, Inc., B-222230, B-222231, June 3, 1986, 86-1 CPD ¶ 514. Generally, only a time/date stamp on the bid wrapper or other documentary evidence of receipt maintained by the government installation is acceptable evidence of the receipt of a bid by the government. See Federal Acquisition Regulation (FAR), 48 C.F.R. § 14.304(c) (1986). We have held, however, that where, as here, the issue is whether a hand-carried bid was timely received, all relevant evidence in the record may be considered. See All-States Railroad Contracting, Inc., B-216048.2, Feb. 11, 1985, 85-1 CPD ¶ 174. Statements by government personnel, for example, are competent evidence of the time of receipt. Id.

The preponderance of the evidence in the record here indicates that Boniface's bid was not submitted to the agency prior to bid opening. Boniface's bid envelope was stamped 10 a.m. on January 30, and the affidavits of two DISC employees indicate that Boniface's bid was not in the bid box on January 28 as claimed by Boniface. Further, although the protester states that its representative, Mr. Freedman, deposited the bid at approximately 10:15 a.m. on January 28, the visitor register for that date reveals that Mr. Freedman signed in at 9 a.m. and signed out at 9:30 a.m. DISC also points out that Mr. Freedman signed in at 10:25 a.m. and signed out at 11 a.m. on the bid opening day, and that on January 30, Mr. Freedman signed in at 9 a.m. (the sign-out time is not clear).

Accordingly, aside from the bidder's own statements, there is no independent evidence to corroborate Boniface's position that the bid was deposited in the bid box on the day before bid opening. Boniface therefore has not met the burden of proving its case, see DATA Controls/North, Inc., B-2048123, Feb. 17, 1982, 82-1 CPD ¶ 139, and the bid properly was not considered for award.

The protest is denied.


Harry R. Van Cleve
General Counsel